

## Environmental Protection Agency

§ 52.825

1995. This rule addresses permit requirements relating to nonattainment areas.

(ii) *Additional material.* (A) Letter dated July 11, 1997, from Pete Hamlin, IDNR, to Wayne Leidwanger, EPA, requesting approval under 112(1).

(65) On June 13, 1996, and April 25, 1997, the Director of the Iowa Department of Natural Resources (IDNR) submitted a revision to the State Implementation Plan (SIP) which included permits containing source specific emission limits and conditions for three sources in Muscatine, Iowa.

(i) *Incorporation by reference.* (A) Grain Processing Corporation permits #95-A-374, #74-A-015-S, #79-A-194-S, #79-A-195-S, signed September 18, 1995.

(B) Muscatine Power and Water permits #74-A-175-S, #95-A-373 signed September 14, 1995.

(C) Monsanto Corporation permits #76-A-265S3, #76-A-161S3, signed July 18, 1996.

(ii) *Additional material.* (A) Letters from Allan E. Stokes, IDNR, to Dennis Grams, Environmental Protection Agency, dated June 13, 1996, and April 21, 1997, containing supporting SIP information.

(66) On April 2, 1997, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) for the State's two local agencies: the Polk County Public Works Department and Linn County Health Department.

(i) *Incorporation by reference.* (A) Revised rules, "Polk County Board of Health Rules and Regulations: Chapter V, Air Pollution," effective December 18, 1996. This revision approves all articles insofar as they pertain to the SIP. Article XIII is specifically excluded from this approval. No action is taken on Sections 5-16(n), 5-16(p), 5-20, and 5-27(3) and (4).

(B) Revised rules, "Linn County Air Pollution Control Code of Ordinances," effective March 7, 1997. This revision approves all sections insofar as they pertain to the SIP. Sections 10.4(1.), 10.11, and 10.15 are specifically excluded from this approval. No action is taken on Sections 10.9(2.), 10.9(3.), 10.9(4.), and the definition of "federally enforceable" in Section 10.2.

(ii) *Additional material.* (A) Letter from Allan E. Stokes, Iowa Department of Natural Resources, to William A. Spratlin, Environmental Protection Agency, dated May 15, 1997. This letter provides additional information regarding various administrative requirements outlined in 40 CFR part 51.

(67) In correspondence dated October 21, 1997, and January 21, 1998, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan.

(i) *Incorporation by reference.* (A) "Iowa Administrative Code" sections 567-22.8(1) "b," "c," and "e," 567-22.203(1) "a," 567-22.300, 567-22.300(1) through 567-22.300(11), 567-23.3(2) "d," and 567-29.1, effective June 12, 1996.

(B) "Iowa Administrative Code" section 567-20.2, effective October 16, 1996.

(C) "Iowa Administrative Code" sections 567-22.300(40) "b"(1), 567-22.300(8) "a"(1), and 567-22.300(8) "b"(2), effective December 25, 1996. (D) "Iowa Administrative Code" sections 567-20.2, 567-22.2(1), 567-22.201(1) "a," 567-22.201(2) "b," 567-22.202, 567-22.203(1), 567-22.300(3) "b" and "c," 567-22.300(8) "a," effective May 14, 1997.

(ii) *Additional material.* (A) "Iowa Administrative Code" section 567-23.1(5), Calculation of emission limitations based upon stack height, was renumbered to section 567-23.1(6), effective August 20, 1997.

[37 FR 10865, May 31, 1972. Redesignated at 64 FR 7094, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.824, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### § 52.825 Compliance schedules.

(a) [Reserved]

(b) *Regulation for increments of progress.* (1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to regulation 4.3.(3)(b), "Rules and Regulations Relating to Air Pollution Control of the Iowa Air Pollution Control Commission" shall, no later than December 31, 1972, submit to the Administrator for approval, a proposed compliance schedule that demonstrates

compliance with the applicable regulation as expeditiously as practicable but no later than January 1, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contract for construction or process changes, if applicable; initiation of construction; completion and start-up of control system; performance tests; and submittal of performance test analysis and results.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(c) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Iowa Army Ammunition Plant (explosive contaminated waste burning).	Middletown, Iowa.	400–4.2(1) .....	June 14, 1979	Feb. 28, 1982 ..	Feb. 1982.
Progressive Foundry, Inc., cupola and casting shakeout area.	Perry .....	400–4.6 .....	Nov. 6, 1981 ...	.....	Sept. 1, 1983.

NOTE 1: Linn County Health Department does not issue variances if source(s) is on an approvable compliance schedule.  
 NOTE 2: Polk County Department of Health does not issue variances if source(s) is on an accepted and approved compliance schedule.  
 NOTE 3: City of Des Moines, Department of Public Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

[37 FR 10865, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.825, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

§§ 52.826–52.827 [Reserved]

§ 52.828 Enforcement.

(a) Sections 23(1)(b) and 13(7) of Senate File 85, Division II for Iowa are disapproved insofar as they permit the Air Quality Commission of the Iowa Department of Environmental Quality to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders:

(1) No order deferring compliance with a requirement of the Iowa Implementation Plan shall be issued by the Air Quality Commission of the Iowa Department of Environmental Quality which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in §51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.